

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TYLER MORRISON, <i>et al.</i> ,	:	Case No. 3:11-cv-322
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
TAURUS INTERNATIONAL CO., LTD.,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER DENYING WITHOUT PREJUDICE
PLAINTIFFS MOTION TO COMPEL (Doc. 25)**

This civil case is before the Court on Plaintiffs’ Motion to Compel. (Doc. 25). Plaintiffs’ Motion concerns interrogatories and requests for documents served on Defendant Taurus International Co., Ltd. (“Taurus”) on or about June 22, 2012. Pursuant to Fed. R. Civ. P. 33 and 34, a party must respond to interrogatories and requests for documents within 30 days unless otherwise stipulated by the parties or ordered by the court. The time for Taurus to respond to Plaintiffs’ discovery expired on or about July 23, 2012. Plaintiffs filed the Motion to Compel on July 27, 2012.

Pursuant to Fed. R. Civ. P. 37(a)(1), a motion to compel “must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Here, there is no such certification. Instead, the Motion and supporting documents evidence a total of four email communications between Plaintiffs’ counsel

and counsel for Taurus regarding the discovery between July 6, 2012 and July 13, 2012. All of these communications pre-date the date upon which responses were due. The Court concludes that such communications fail to meet the good faith requirement of Fed. R. Civ. P. 37(a)(1).

In addition, Local Rule 37.1 requires that, before filing a motion to compel, counsel shall “have first exhausted among themselves all extrajudicial means for resolving the differences[.]” Here, nothing presented to the Court at this time demonstrates that this requirement has been met.

Further, Local Rule 37.1 provides that, upon exhaustion of all extrajudicial attempts to resolve a discovery dispute, a party may seek an informal telephone conference with the Court before proceeding to formal motion practice. Upon the parties’ exhaustion of all extrajudicial attempts to resolve discovery disputes, this Court prefers to conduct an informal discovery conference before the parties engage in formal motion practice.

Accordingly, for the foregoing reasons, Plaintiffs’ Motion to Compel is **DENIED** without prejudice. Defendants’s counsel shall communicate with Plaintiffs’ counsel immediately regarding the discovery responses. Plaintiffs may re-file a motion to compel upon exhaustion of all extrajudicial attempts to resolve the discovery dispute and if an informal discovery conference with the Court fails to resolve the dispute.

IT IS SO ORDERED.

Date: 8/3/12

s/ Timothy S. Black
Timothy S. Black
United States District Judge